

Report to Audit Committee

Data Protection Update

Portfolio Holder: Councillor Abdul Jabbar MBE – Deputy Leader and Cabinet Member for Finance and Corporate Services

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Purpose of Report

To update Members of the Audit Committee on the Council's management and assurance in relation to data protection.

Recommendations to the Audit Committee

The Audit Committee is asked to consider and note the contents of the report.

Audit Committee

Data Protection Update

1 Background

- 1.1 The Audit Committee, as the appropriate Committee within the Council, has received a previous Data Protection Officer (DPO) report and agreed to receive reports twice yearly thereafter. This is the first update report for 2019/20.

2 Current Position

- 2.1 The Council's DPO continues to provide advice and guidance to the Council and through formally agreed service level agreements (SLA) to The Unity Partnership Ltd (UPL), MioCare Community Interest Company (CIC) and 55 schools (directly maintained and academies) based in Oldham.

- 2.2 Under the same SLAs, the Information Management Team continues to provide support and expertise across the wider information governance arena, e.g. data protection, information security, Freedom of Information and records management for these organisations.

- 2.3 The Data Protection Board continues to meet every two months to receive data protection plan progress updates and to discuss information management requirements in relation to local and wider Greater Manchester Combined Authority (GMCA) activities.

- 2.4 As a consequence of the increased number of localised and GMCA activities/initiatives that require the use of personal information, there is a requirement to ensure that data protection implications are fully considered.

- 2.5 Examples of the working together of organisations, e.g., Councils, health, police, voluntary, housing providers, community groups etc. include, but are not limited to:

- Co-location and integration of services
- Sharing of personal data
- Joining up individual's records
- Development of IT systems to facilitate the above
- Communicating to individuals about the use of their personal data
- Handling of information rights requests within integrated services

- 2.6 These activities can be illustrated at 2.6.1 and 2.6.2 below:

- 2.6.1 Oldham Cares has an integrated approach to 'systems of care' in relation to health and social care services. The key aims include, but are not limited to:

- Improving health outcomes and performance
- Focusing on prevention and for people to live healthy lives
- Enabling people to make informed choices
- To work jointly with partners and be needs led
- Develop community resilience through the Thriving Communities project

A key element of Oldham Cares surrounds the implementation of the Integrated Care Record and the wider Local Health and Care Record Exemplar (LHCRE) programme.

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- 2.6.2 Place Based Integration and Reform focusses on how mainstream services should be delivered across the whole system and in partnership with residents. This will be achieved through the implementation of the Our Oldham Place Based Operating Model. The model aims to create integrated services working in an asset based way to deliver better outcomes for people and the places where they live. These changes in delivery will work in partnership with the Thriving Communities project which is part of Oldham Cares. This area of work feeds into the GM Place and Reform Executive and towards the implementation of the Place Based Reform Greater Manchester Model.
- 2.7 The Council's Information Management Team is working closely with colleagues from other organisations to ensure that information governance requirements are considered and built into initiatives as they are developed.
- 2.8 The Council's Central Records service is relocating from its current site at Vulcan Street to a new location at the Meridian Centre with the key parties managing this move being the Information Management Team, UPL and the Council's Regeneration team. The planned re-location is anticipated to be completed by December 2019 and the intention is that all Council records will eventually move to this new site.
- 2.9 Phase 1 of the Council's data protection plan, known as the GDPR implementation project was completed in September 2018. Phase 2 of the Council's data protection plan to continue implementation of the requirements of the legislation introduced in 2018 is detailed in Appendix 1. MioCare CIC and UPL have their own agreed plans and support is being provided to enable progress to be made in these wholly owned companies. There is a high level plan for supporting schools & academies in delivering on their own data protection responsibilities.
- 2.10 A high level assurance dashboard has been created at a corporate level and this aligns with the planned activity within Phase 2 of the plan. Appendix 2 provides an overview of the current baseline assurance level of the Council from a corporate perspective. Actions have been identified and where required will be incorporated within the plan for Phase 2 of the Council's data protection Plan.
- 2.11 The potential impact of Brexit on information sharing is uncertain at the time of the production of this report. As and when the implications become clearer this will need to be factored into the plans of the Council and other bodies as appropriate.

3 **Options/Alternatives**

- 3.1 There is one option presented for consideration:

The Committee considers and notes the contents of this report.

4 **Consultation**

- 4.1 Relevant officers of the Council have been consulted in the preparation of this report.

5 **Financial Implications**

- 5.1 N/A

6 **Legal Services Comments**

- 6.1 N/A

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- 7 **Co-operative Agenda**
- 7.1 Committed to the Borough - to visibly demonstrate that the Council is taking steps to ensure legal compliance.
- 8 **Human Resources Comments**
- 8.1 N/A
- 9 **Risk Assessments**
- 9.1 This report provides assurance that the Council is managing its risks around Information Governance. (Mark Stenson)
- 10 **IT Implications**
- 10.1 N/A
- 11 **Property Implications**
- 11.1 N/A
- 12 **Procurement Implications**
- 12.1 N/A
- 13 **Environmental and Health & Safety Implications**
- 13.1 N/A
- 14 **Equality, community cohesion and crime implications**
- 14.1 N/A
- 15 **Equality Impact Assessment Completed?**
- 15.1 No, as a result of an EIA screening it was determined that a full EIA was not required.
- 16 **Key Decision**
- 16.1 No
- 17 **Key Decision Reference**
- 17.1 N/A
- 18 **Background Papers**
- 18.1 The following is a list of the background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

File Ref: Background papers are attached as Appendices 1 and 2
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19 **Appendices**

- 19.1 Appendix 1 – Phase 2 Plan progress
 Appendix 2 – Self Assurance Framework

Phase 2 Plan Progress

Overview of key elements of Council phase 2 plan are set out below and accompanied by a high level milestone BRAG rating.

Phase 2 of the plan builds on the success of Phase 1 plan and integral to the plan is the delivery of the agreed collaborative approach with MioCare CIC, the Unity Partnership and Schools. It has the following elements:

Self Assurance Framework

A high level assurance dashboard has been created at corporate level and this aligns with the planned activity within the plan. The intention remains to develop a framework that engages services and the Information Management Team in reviewing specific data protection themes. See Milestone 2.

Data Protection Policies

Work continues to supplement the existing suite of policies and guidance in line with best practice and to incorporate the requirements of the Law Enforcement Directive.

Milestones 5, 6, 7, 11 and 12 all relate to policy development and implementation. In summary the FOI policy and supporting documentation has been reviewed, data sharing and Data Privacy Impact Assessment policies have been drafted and the documentation is under review. There is more action required to revise/create specific policies in relation to data subject access and these will be reviewed in line with the Data Protection Compliance Improvement Project, which is currently scheduled for completion by January 2020.

Privacy Notices

A review of the existing privacy notices is being undertaken with the intention of adding to the existing suite and aligning the privacy notices to the internet themes to aid findability for the public. Milestone 9 refers.

Records of Processing Activities (ROPA)

Work continues to develop a comprehensive ROPA and to establish an effective way going forward as to review and maintenance. With regard to Milestones 8 and 14, a review of the current ROPA is underway and the review of future form needs to consider whether or not an information audit would enable a comprehensive information asset register and ROPA.

Information Governance Logging Systems Development

The existing systems facilitate request and breach management, i.e., tracking and performance management. These are being reviewed to update the systems in relation to changes in legislation, i.e., terminology, timelines, reporting etc. See Milestone 13.

Delivery of Continuing Support to Key Partners

The schools plan is focused on providing model policies, training and a self-assurance framework to assist schools in demonstrating compliance and developing action plans. Advice is provided as required on a range of issues.

The UPL and MioCare CIC plans are similar in that they are focused on assisting them to develop policies, ROPA's, privacy notices, the facilitation of training and guidance.

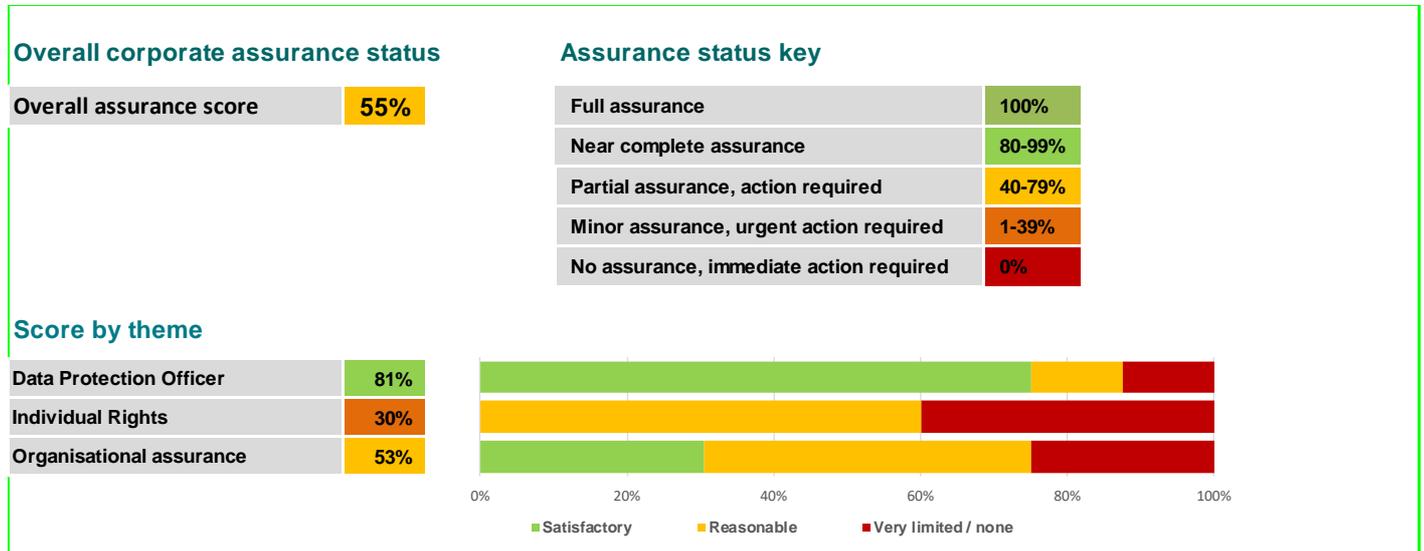
The overall assessment of progress on Phase 2 is detailed in the Table below as at August 2019:

B – closed, R – clear risk of not meeting, A – potential risks being addressed, G – on target

#	High Level Milestone	% Complete	BRAG
1	Project Governance	100%	B
2	Establish a Self Assurance framework	50%	G
3	Public awareness	100%	B
4	Staff suitably trained	100%	B
5	DP Policies in place	0%	G
6	Data Protection embedded in service processes	50%	A
7	DP Policy supplemental	25%	G
8	Up to date ROPA	33%	G
9	Up to date Privacy Notices	75%	G
10	Special Data Appropriate policy	100%	B
11	Law Enforcement Directive Policy	50%	G
12	FOI	100%	B
13	Effective Data protection logging systems	7%	G
14	Information Asset Register/alternative ROPA	0%	G

Self Assurance Framework

Following the development of the corporate IG self assurance framework, a dashboard baselining current assurance is illustrated below:



Phase 2 of the Data Protection Plan and the Data Protection Compliance Improvement Project includes actions to address any elements identified as Red or Amber to move them towards Green.

The Corporate IG Assurance Framework identifies all actions required to address any concerns flagged through completion of the framework, with all actions currently forecast to be completed by March 2020. All these actions will be led by the Information Management Team.

Key:

- DPO Data Protection Officer
- LED Law Enforcement Directive
- DP Data Protection
- IMT Information Management Team
- FOI Freedom of Information
- ROPA Records of Processing Activities